

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RICHARD TORRENZANO,

Plaintiff,

-against-

MARY ERVIN, et al.,

Defendants.  
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**LINDSAY, Magistrate Judge:**

By letter dated September 20, 2007, plaintiff objects to the defendants' responses to interrogatories numbers 5,6 and 9 and moves to compel proper responses. Defendants oppose the application by letter dated September 25, 2007. Defendants agree to amend their responses to interrogatories 5(b) and 6 and assert that the responses to 5(c) and 9 are proper. Given the defendants' response, the court limits its consideration to interrogatories 5(c) and 9. For the reasons that follow, the application is denied.

Interrogatory 5(c) requests that the defendants "[id]entify and itemize all costs or expenses, exclusive of fees and commissions received by Defendants from or on behalf of Plaintiff with respect to the Project or Residence. This court agrees that this interrogatory is unintelligible and should be clarified.

Interrogatory 9 requests that the defendants "identify all facts and documents known to the defendant(s) which defendant(s) contend supports the allegation that the purchase price for home furnishings and materials includes commission(s), and that plaintiff agreed that the purchase price would include such commission(s). In response, defendants state that "[i]n addition to the terms of the August 27, 2005 Letter of Agreement (E-0067-67) between LPM and plaintiff, in various conversations with plaintiff, the dates of which are unknown, Mary Ervin made it clear that LPM was going to earn a commission on home furnishings and materials purchased for plaintiff's residence through LPM." Plaintiff objects to this response, arguing that the defendants have not stated any facts or referenced any documents that identify what the alleged earned commission is or would be or whether that commission is the same for all of the materials and/or home furnishings provided by the defendants. As plaintiff's letter makes clear, it now seeks to compel information that is beyond the scope of the interrogatory. Accordingly, the court finds that the defendants' response is proper.

Dated: Central Islip, New York  
September 27, 2007

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge